



ANNO VICESIMO TERTIO

GEORGII V REGIS.

A.D. 1932.

No. 2101.

An Act to consolidate certain Acts relating to Water Supply

[Assented to, November 30th, 1932.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PRELIMINARY.

1. This Act may be cited as the "Waterworks Act, 1932".

2. The provisions of this Act are arranged as follows:—

- PART I.—Preliminary.
- PART II.—Constitution of Water Districts.
- PART III.—Powers of Commissioner.
- PART IV.—Supply of water.
- PART V.—Assessments and rates.
- PART VI.—Construction rates on country lands.
- PART VII.—Power to lease certain waterworks.
- PART VIII.—Miscellaneous.

3. This Act is a consolidation of the Acts mentioned in the First Schedule, and the said Acts are hereby repealed.

PART I.

Short title.

Arrangement.

Acts consolidated and repealed.

PART I.

Waterworks Act.—1932.

Interpretation.
269, 1882, s. 4.

4. In this Act, except where the subject matter or context or some other provision requires a different construction—

“Commissioner” means the Commissioner of Waterworks :

“Consumer” means any person supplied with water under this Act :

“Fittings” includes communication pipes, standpipes, and all other pipes, and also all cocks, valves, siphons, cisterns, and other apparatus used or intended for the supply of water under this Act by the Commissioner to a consumer, and for that purpose placed in or upon the land or premises of the consumer :

“Owner” includes the person for the time being receiving, or entitled to receive, the rents and profits of any land, whether on his own account or as agent, trustee, or attorney :

“Premises” means any house, and any public or private building whatsoever, and any part of any house or building, and any garden, stable, yard, or other offices used together or in connection with any house, or building, and every part thereof :

“Streams” includes springs, lakes, brooks, and rivers, and other running waters :

“Street” means every public square, place, road, terrace, and thoroughfare, and any private street :

“Vacant land” means unoccupied land which is not built upon, and which is not appurtenant to, or used in connection with, any building, and whether such land is used for the purpose of depasturing cattle thereon or otherwise :

“Water district” means any water district proclaimed from time to time under this Act, or any Act repealed by this Act, within which water is to be supplied, and also means any other water district constituted before the passing of this Act :

“Water rate” includes every rent payable, and every reward or payment to be made, whether under agreement or otherwise, to the Commissioner, for a supply of water from the waterworks for any purpose whatever.

Incorporation of
Compulsory
Acquisition of Land
Act, 1925.
Ibid., s. 6.

5. The Compulsory Acquisition of Land Act, 1925 (except sections 79, 80, 81, and 82 thereof) is incorporated with this Act. The Commissioner may, under the Act so incorporated, take and acquire either compulsorily or by agreement, all such lands and easements in or over any lands within or outside any water district which he may require for the purpose of constructing, completing, or extending any waterworks authorised before or after the passing of this Act, or for the construction or extension of which moneys are voted by Parliament,

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PART II.

PART II.

CONSTITUTION OF WATER DISTRICTS.

6. (1) The Governor may from time to time by proclamation declare any district, place, or town, to be a water district for the purposes of this Act, and may define the boundaries thereof. The Governor may in like manner add to or alter the boundaries of any water district.

Constitution of water districts.
269, 1882, s. 5.
1473, 1921, s. 3.
2077, 1932, s. 2.

(2) The Governor may by proclamation revoke any proclamation under this section as to the whole or any part of any such water district, in which case the district shall be abolished or altered according to the tenor of the proclamation.

(3) The Governor may in any such proclamation fix a day (whether before or after the date of the proclamation) upon which the proclamation shall come into force.

PART III.

PART III.

POWERS OF THE COMMISSIONER.

7. The Commissioner of Public Works for the time being shall be the Commissioner of Waterworks.

Commissioner of Public Works to be Commissioner of Waterworks.
269, 1882, s. 7.

8. The Commissioner and his successors in office shall continue to be a body corporate, under the name of "The Commissioner of Waterworks," and by that name shall have perpetual succession and a seal, and shall sue and be sued, and shall and may accept, purchase, hold, enjoy, sell, and dispose of any lands and easements in or over any lands and personal property of every kind for the purposes of this Act.

Commissioner to be a body corporate.
Ibid., s. 8.

9. The Governor may from time to time, for the purposes of this Act, appoint any officers and servants, and may at his discretion dismiss such officers and servants and appoint others in their stead.

Power to appoint officers.
Ibid., s. 9.

10. (1) The Commissioner may from time to time make, alter, and repeal by-laws—

Power to make by-laws.

I. For regulating the conduct of the officers and servants appointed or employed under or for the purposes of this Act:

Ibid., s. 10.

II. For regulating the form of contracts to be entered into with him, and generally for carrying into effect the purposes of this Act:

1473, 1921, s. 4.

1843, 1927, s. 4.

2077, 1932, s. 3.

III. For determining, making, levying, and collecting the water rates to be paid in each water district, in respect of land and premises liable to be rated under this Act:

IV. For fixing the terms and conditions upon which he will supply water:

v. For

- v. For fixing a scale of charges for water supplied in each water district by measure, and a minimum quantity of water to be charged for where water is so supplied :
- vi. For determining the times at which any charge for water supplied under agreement shall be payable, whether in advance or otherwise :
- vii. For imposing an extra charge for water supply in places distant more than fifteen yards from the main pipe :
- viii. For regulating the number, form, material, dimensions, construction, and arrangement of pipes, fittings, and other works supplying water from the pipes of the Commissioner to adjacent land or premises ; the time of executing and the notices to be given for such works ; the superintendence thereof ; the making good and replacing ground which may be displaced in the course of such works, and for inspecting, at reasonable times, pipes and fittings, whether situate within any buildings or otherwise :
- ix. For regulating the construction, disposition, and inspection of meters, and for requiring that, for the purpose of permitting the reading of meters, meters shall be kept free from obstruction :
- x. For regulating the quantity of water each consumer is in each year entitled to use in respect of his rates :
- xi. For preventing the waste or misuse of water, whether supplied by meter or otherwise :
- xii. For compelling persons using water supplied by the Commissioner to keep their pipes, fittings, and other appliances in proper repair ; for preventing any alteration of, or interference with, such pipes or fittings without the consent of or notice to the Commissioner ; for repairing such pipes, fittings, and appliances so as to prevent waste of water, and for recovering the costs of such repairs :
- xiii. For preventing unauthorised persons using, directly or indirectly, water supplied by the Commissioner :
- xiv. For licensing competent plumbers and for cancelling such licences, and also for preventing any other than licensed plumbers from fixing, altering, or repairing any pipes, fittings, or meters connected with the pipes or works of the Commissioner ; and imposing penalties on licensed plumbers for breach of any of the by-laws :
- xv. For preventing persons from wilfully or negligently breaking, injuring, or from interfering with any pipe, lock, cock, valve, engine, or work belonging to the Commissioner, and from doing any other wilful act whereby the water supplied by the Commissioner may be wasted :
- xvi. For regulating and preventing the use in connection with the supply of water by the Commissioner of any pipe, tap, stopcock, bibcock, ballcock, checkvalve, or other fitting, unless the same has been tested and stamped with

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with a prescribed stamp by a person duly authorised by the Commissioner for that purpose, and for fixing the scale of fees to be charged for such testing and stamping :

xvii. For preventing unauthorised persons stamping upon, or attaching to, any pipe, tap, stopcock, bibcock, ballcock, checkvalve, or other fitting used or to be used in connection with the supply of water by the Commissioner any prescribed stamp or any colourable imitation thereof, and for preventing any person selling or offering for sale any such pipe, tap, stopcock, bibcock, ballcock, checkvalve, or other fitting not stamped by an unauthorised person :

xviii. For fixing a scale of fees and expenses which may be recovered for the service of any notice or the levying of any distress by any bailiff or other person.

(2) The Commissioner may, by such by-laws, impose such reasonable penalties as he may think fit, not exceeding Twenty Pounds, for any breach of such by-laws, and, in case of a continuing offence, a further penalty, not exceeding Five Pounds, for each day after notice of such offence shall have been given by the Commissioner to the offender.

(3) Every such by-law shall, after it has been approved by the Governor and published in the *Government Gazette*, have the force of law, and be binding upon and be observed by all persons, and shall be sufficient to justify all persons acting under the same.

(4) The production of the *Government Gazette* containing any such by-law shall, in any action at law, or any other proceedings, and in all courts, be sufficient evidence that such by-law, as it is printed in such *Gazette*, has been duly made and published as hereinbefore provided.

11. The Commissioner may make and enter into any contracts and agreements with any person for the purchase of any lands or easements in or over any land, or for any materials, and for the construction of any works which are authorised to be made under and in pursuance of the provisions of this Act. All such contracts shall be in the name of the Commissioner.

Power to make contracts.
269, 1882, s. 11.

12. (1) For the purpose of constructing, completing, extending, or maintaining any waterworks, or for supplying water to or in any water district, or for the purpose of making any examination or test of any land for the purpose of ascertaining whether that land is suitable for the construction thereon of any waterworks which are proposed to be constructed, or for any incidental purpose, or otherwise for the purpose of carrying out the provisions of this Act, the Commissioner may exercise any of the powers following, that is to say—

Power of Commissioner to do certain acts and execute certain works.
Ibid., s. 12.
1895, 1929, s. 2.

1. He may enter upon any lands and take levels of the same, and set out such parts thereof as he shall think necessary, and

and dig, break, and trench the soil of such lands, and remove or use all earth, stone, minerals, trees, or other things dug or obtained out of or from the same :

- ii. He may enter upon, take, and hold, either temporarily or permanently, such lands as he may from time to time deem necessary for the construction, maintenance, repair, or improvement of any waterworks authorised or for the construction of which money is voted by Parliament, or for obtaining or enlarging the supply of water, or for improving the quality thereof, or otherwise for the purposes of this Act :
- iii. He may from time to time sink such wells or shafts, and make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands, streams, and water-courses authorised to be taken by him as he thinks proper for supplying the inhabitants of any water district with water :
- iv. He may from time to time divert and impound the water from any streams or springs as he may think fit, and alter the courses of the same, and also take the water of such streams or springs and also such waters as may be found in, under, or on any lands so to be taken for the purposes of this Act :
- v. He may enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, cut off, or remove the same, and may enter upon any such lands, streets, roads, or thoroughfares for the purpose of repairing any water-courses, pipes, or other works, being his property or under his control.

(2) In the exercise of any of the powers conferred by this section the Commissioner shall inflict as little damage as may be, and in all cases, where he can conveniently do so, shall provide other watering-places, drains, and channels for the use of adjoining lands, in place of any taken away or interrupted by him, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

(3) The Commissioner shall not be liable to make compensation in respect of any damage sustained by reason of the taking or diverting of water permanently or otherwise from any river, stream, or watercourse, unless a claim in writing is made in respect of such compensation within twelve months after any damage has been caused. In every case where the Commissioner cannot agree with the owner or claimant, the amount of compensation shall be ascertained, and the case, in other respects, shall be dealt with under the provisions of the Compulsory Acquisition of Land Act, 1925.

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(4) No park lands, or other lands under the control of any Municipal Corporation or District Council shall be entered upon, taken, and held pursuant to this section, unless the consent in writing of the Municipal Corporation or District Council having the control thereof is obtained.

13. If from any cause whatever the occupation by the Commissioner of any park lands or reserve for the purposes of this Act shall at any time cease, the care, control, and management of the park lands or reserve shall revert to the Municipal Corporation or District Council from which the same shall have been taken.

Reversion of lands
to Councils.
269, 1882, s. 13.

14. (1) The Commissioner shall construct and erect all works necessary for making good the interruption caused by the exercise of any of the said powers to the possession or enjoyment of any lands adjoining or near any part of the works or otherwise necessary for the accommodation of such lands.

Construction of
accommodation
works.
Ibid., s. 14.
2077, 1932, s. 4.

(2) If any difference arises respecting the number, kind, size, dimensions, or sufficiency of any such accommodation works, or respecting the maintenance thereof, the same shall be determined by a Court of Summary Jurisdiction. The Court shall have jurisdiction to make such order as it deems just, but the Court shall not have power to decide as to the liability of the Commissioner to construct any accommodation works in cases where that liability is disputed.

15. The Commissioner may—

- (a) open and break up the soil and pavement of the several streets and bridges within or beyond the limits of any water district ;
- (b) open and break up any sewers, drains, or tunnels, within or under such streets and bridges ;
- (c) lay down and place within or beyond the limits of any water district, pipes, conduits, service-pipes, and other works and engines, and from time to time repair, alter, or remove the same ;
- (d) for any of the purposes aforesaid, remove and use all earth and materials in and under such streets and bridges ; and
- (e) do all other acts which the Commissioner shall from time to time deem necessary for supplying water to the inhabitants of any water district.

Power to break up
streets.
269, 1882, s. 13.

16. Before the Commissioner opens or breaks up any such street, bridge, sewer, drain, or tunnel, he shall, except in cases of emergency arising from defects in any of the pipes or other works, give to the persons or authority under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of his intention to open or break up the same, not less than twelve hours before beginning such work.

Notice before
breaking up streets
Ibid., s., 19.

17. (1) When

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Reinstatement of streets.

289, 1882, s. 20.

17. (1) When the Commissioner opens or breaks up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, he shall, with all convenient speed, complete the work for which the same shall be broken up and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby.

(2) The Commissioner shall at all times whilst any such road or pavement is so open or broken up cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement continues open or broken up.

(3) The Commissioner shall, after replacing and making good the road or pavement which is broken up as aforesaid, keep the same in good repair for six months thereafter.

Penalty for delay in reinstating streets.

Ibid., s. 21.

18. If the Commissioner—

- (a) opens or breaks up any such street, bridge, sewer, drain, or tunnel, without giving such notice as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in cases in which he is authorised to perform such works without any notice; or
- (b) makes any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or
- (c) neglects to cause the place where such road or pavement has been broken up to be guarded and lighted; or
- (d) neglects to keep the road or pavement in repair for the space of six months next after the same is made good,

the Commissioner shall forfeit to the authority or persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such default is made, a sum not exceeding Five Pounds for every such offence, and an additional sum of Five Pounds for each day during which any such delay as aforesaid shall continue after he shall have received notice thereof.

Power of other persons to reinstate streets.

Ibid., s. 22.

19. If any such delay or omission as aforesaid takes place, the authority or persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission takes place, may, upon giving notice in writing to the Commissioner, cause to be executed the work so delayed or omitted, and the expense of executing the same shall be repaid by the Commissioner to, and may be recovered by, such authority or persons.

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20. (1) The Commissioner, and all persons by him authorised, may enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the mansion-house of the owner of any such lands than one hundred yards therefrom, and may occupy the said lands so long as may be necessary for the construction or repair of any waterworks, and to use the same for any of the following purposes, that is to say:—

Power to take temporary possession of land. *Ibid.*, s. 23. 2077, 1932, s. 6.

- I. For the purpose of taking earth or soil by side cuttings therefrom ;
- II. For the purpose of depositing soil thereon ;
- III. For the purpose of obtaining materials therefrom, for the construction or repair of the waterworks ; or
- IV. For the purpose of forming roads thereon to, or from, or by the side of, the said works.

(2) In the exercise of the said powers the Commissioner, and all other persons employed therein, may—

- (a) deposit and manufacture and work upon such lands, materials of every kind used in constructing or repairing the said works ;
- (b) take from any such lands any timber, and dig and take from or out thereof any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing or repairing the said works or any such roads as aforesaid ; and
- (c) for the purposes aforesaid, erect thereon workshops, sheds, and other buildings of a temporary nature.

(3) Nothing in this Act contained shall exempt the Commissioner from an action for nuisance or other injury (if any) done, in the exercise of the powers hereby conferred, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid.

21. If any such lands are used by the Commissioner for any of the purposes aforesaid he shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be necessary for the convenient occupation of such lands, and, in case of any difference between the owners or occupiers of such lands and the Commissioner as to the necessity for such fences and gates, then with such fences and gates as a Court of Summary Jurisdiction may order for the purposes aforesaid.

Duty of Commissioner to separate lands before using them. 269, 1882, s. 24.

22. In any of the cases aforesaid where the Commissioner takes temporary possession of lands by virtue of the powers herein granted, it shall be incumbent on him, within one month after his entry upon such lands, upon being required to do so, to pay to the occupier

Compensation for temporary occupation. *Ibid.*, s. 25.

occupier of the said lands the value of any crop that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of the Commissioner so taking possession of his lands. If there is any dispute as to the said value, the same shall be settled in the manner provided by the Compulsory Acquisition of Land Act, 1925, for settling questions of compensation.

Vesting of waterworks, &c., in Commissioner.
269, 1882, s. 26.

23. The whole of the waterworks, and all lands, goods, materials, and things which form part thereof, shall be and be deemed to be the property of the Commissioner, and shall be held and used by him for the purposes of this Act.

Power of Commissioner to make payments.
Ibid., s. 28.

24. (1) The Commissioner may, out of any moneys at his disposal under this Act, pay any sum due by him under any agreement lawfully made for or in accomplishing any of the purposes of this Act, and any sum recovered against him by any process of law.

(2) The Commissioner shall not be personally liable to pay or make good any sum of money which shall at any time be recoverable from or be due by him as Commissioner as damages for any act done or omitted to be done by him in the *bona fide* belief that he is acting in pursuance of this Act.

Power of Commissioner to delegate his powers.
Ibid., s. 29.

25. (1) The Commissioner may authorise such person as he thinks proper to do all or any of the acts, matters, and things which the Commissioner is hereby empowered or required to do.

(2) Every person so authorised shall have and enjoy all such and the like powers as are hereby conferred on the Commissioner, to enable him to do such acts, matters, and things respectively.

(3) All such acts, matters, and things, when done under such authority, shall be as valid and effectual as if they had been done by the Commissioner; and every person so authorised shall have and enjoy in respect of each such act, matter, or thing so done by him, all such immunities from personal liability as the Commissioner would have had or enjoyed if he had done such act, matter, or thing.

Power to lease and sell surplus land and property.
Ibid., s. 30.

26. (1) The Commissioner may demise any land purchased by him, and which he does not immediately require for the purposes of this Act, for such period, at such rent, and upon such conditions as he thinks fit, and may sell or otherwise dispose of any such land or other property which he does not further require for the purposes of the waterworks, and may transfer or convey such land or other property to the purchaser, or as he directs.

(2) The Commissioner's receipt shall be a sufficient discharge to the purchaser for the purchase-money in such receipt expressed to be received, and the rent of land demised.

(3) The money accruing from the sale or other disposition of the property sold or disposed of shall be paid by the Commissioner to the Treasurer, and shall be carried by him to the account of the Commissioner for the purposes of this Act.

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SUPPLY OF WATER AND PROTECTION OF FITTINGS
AND WORKS.

27. The Commissioner shall, unless prevented by unusual drought or other unavoidable cause or accident, or during necessary repairs, supply to the Corporations of the City of Adelaide and the Town of Port Adelaide, free of charge, sufficient water for watering the streets of the City of Adelaide and the Town of Port Adelaide, and also for the use of all lands and buildings situate within such city and town and occupied and used by either of such Corporations exclusively for public purposes.

Free supply to the Adelaide and Port Adelaide Corporations for public purposes. 269, 1882, s. 33.

28. (1) The Commissioner shall, within every water district, fix proper fireplugs in the main and other pipes belonging to him, at such distances and at such places as he may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such district.

Duty of Commissioner to fix public fireplugs in the mains. Ibid., s. 34.

(2) The Commissioner shall from time to time renew and keep in effective order every such fireplug, and shall, so soon as any such fireplug is completed, deposit a key thereof at each fire-reel station within such district.

(3) The cost of such fireplugs and the expenses of fixing and maintaining the same in repair (except in the Adelaide water district) shall be defrayed by the Council of the Municipality or District within the boundaries of which the plugs are fixed.

29. The Commissioner may, at the request and expense of the owner or occupier of any manufactory or other premises situated in or near any street in which, or within one hundred yards of which, there is a pipe of the Commissioner, place as near as conveniently may be to such manufactory or premises, and maintain in effective order a fireplug to be used only for extinguishing fires. The Commissioner shall supply a key of every such fireplug to the said owner or occupier, but the fireplug shall not be opened or used by him except for the purpose of aiding in extinguishing fires within the water district.

Fireplugs for manufactories, &c. Ibid., s. 35.

30. The Commissioner shall at all times, unless prevented by drought or other unavoidable cause or accident, or during necessary repairs, keep charged with water all his pipes to which fireplugs are fixed, and shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire within the water district.

Duty to keep pipes charged. Ibid., s. 36.

31. (1) The Commissioner shall, in each water district, unless prevented by unusual drought or other unavoidable cause or accident, distribute, to all persons entitled thereto under this Act, a constant supply

Duty to distribute constant supply of water. Ibid., s. 37.

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supply of water in the manner prescribed by this Act and the by-laws made thereunder.

(2) The Commissioner shall not be liable to supply water to any person in any street within the water district until after a main pipe has been laid down in such street.

Power to cut off
water supply from
unoccupied land.
Ibid., s. 39.

32. The Commissioner may cut off the water supply from any land or premises when the same has remained unoccupied for three months, and whenever the land or premises are occupied the water supply shall, on demand made in writing by the owner or occupier thereof, be restored upon payment of the cost of such cutting off and restoration. Cutting off the water shall not relieve the owner or occupier of any such land or premises from any liability to pay water rates in respect thereof.

Power to lessen or
discontinue supply.
Ibid., s. 40.

33. Whenever the quantity of water stored in any reservoir has been diminished to such an extent as to render it necessary or expedient in the opinion of the Commissioner to lessen the quantity of water supplied, he may, with the sanction of the Governor, and after giving public notice of his intention so to do—

- (a) lessen the supply of water throughout the whole or any part of any water district, to such extent, for such time, and in such manner as he shall think proper; or
- (b) lessen the supply to any particular class or classes of consumers supplied under agreement; or
- (c) for such time as he shall think proper, discontinue the supply for any particular purpose.

Supply to groups of
houses.
Ibid., s. 41.

34. (1) Whenever it appears to the Commissioner that a constant supply of water can be effectually and more economically provided for any group or number of dwelling-houses situate in a court, passage, lane, or alley, within the water district, by means of a standpipe or other fitting fixed outside such dwelling-houses, he may provide, erect, and fix in readiness for use by the owners or occupiers of such group or number of dwelling-houses, and shall renew or repair, a standpipe, or other fittings, and shall afford and distribute by means thereof a constant supply of water to the owners or occupiers of such group or number of dwelling-houses.

(2) The said owners or occupiers, but not any other person, shall be entitled to take, consume, and use in the said group, or number of dwelling-houses, but not elsewhere, such constant supply; and the Commissioner shall be entitled to receive and recover from such owners or occupiers water rates, in the same manner and to the same amount as if water had been supplied to each of such dwelling-houses in the ordinary manner provided by this Act.

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(3) The expense of providing, erecting, and fixing in readiness for use such standpipe or other fittings, and of renewing or repairing the same from time to time, shall be borne by the owner of such group or number of dwelling-houses, or, if they belong to more than one owner, then by the respective owners thereof, in such proportions as the Commissioner shall determine and by notice require.

35. (1) Save in the cases provided for in the next preceding section, the Commissioner, on receiving from the owner or occupier of lands or premises in any street in which a main pipe has been laid down, a written request for a constant supply of water, shall provide and lay down to the edge of the same street nearest to such premises, and fix in readiness for use, and shall thereafter, at the like request, on receiving due notice in that behalf, keep in repair communication pipes and other fittings, and do such other acts, and construct such works as he shall deem necessary and proper for complying with and carrying out such request.

Duty of Commissioner, on request, to lay communication pipe from main.
Ibid., s. 42.

(2) The Commissioner may, in like manner, and under like circumstances, provide, lay down, and fix pipes for supplying water by measure to any person entitled thereto under any agreement.

36. The Commissioner may erect standpipes at any place within or beyond the limits of any water district, and may, from any standpipe or from any hydrant, sell water by measure to any persons, at such price, at such times, and upon such conditions as he shall think fit.

Power to erect stand pipes and sell water.
Ibid., s. 31.

37. (1) The Commissioner may enter into an agreement with the owner or occupier of any land or premises to supply him in such land or premises with water by measure, at such rates, upon such terms, and subject to such conditions as may from time to time be fixed by the Commissioner.

Power to make agreement to supply water by measure.
Ibid., s. 32,
2077, 1932, s. 7.

(2) The Commissioner and every other party to each such agreement shall be deemed to have entered into and signed it, subject to the provisions of this Act and to the by-laws made in pursuance thereof, and which shall from time to time be in force. The owner or occupier of the said land and premises, and every subsequent owner and occupier thereof, shall hold or occupy the same subject to such agreement, and be bound by the same agreement as if parties thereto.

(3) The land and premises to which water shall be supplied to the owner thereof under any such agreement shall be charged with the moneys from time to time due to the Commissioner for water so supplied, and such moneys shall be deemed to be and shall be recoverable as water rates.

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Prohibition of laying gaspipes and tramrails in certain cases. 269, 1882, s. 43.

38. No person shall lay any gaspipe in any trench with, or close alongside, any main pipe of the Commissioner, nor lay any tramrail along the line of and immediately above a main pipe without the consent of the Commissioner. If any person without such consent, so lays any such gaspipe or tramrail and refuses to remove the same when required by the Commissioner so to do, he shall be liable to a penalty not exceeding Five Pounds, and a further penalty of One Pound for each day (if more than one) that the offence continues.

Power of Commissioner to let meters. *Ibid.*, ss. 44 and 45.

39. (1) The Commissioner may let for hire, to any consumer of water supplied under agreement, any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money and upon such terms as may be agreed upon between the Commissioner and the consumer, and all money due in respect of such hiring shall be recoverable in the same manner as rates due to the Commissioner for water.

(2) The said meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used or to be attached, or taken in execution under any process of any court of law, or under or in pursuance of any order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other person in whose possession the meters, pipes, instruments, or apparatus may be.

Prohibition of any person but the Commissioner to provide, fix, repair, or interfere with meter. *Ibid.*, s. 46.

40. No other person than the Commissioner shall provide any meter for the supply of water under this Act, and no other person than the Commissioner, or the person authorised by him, shall fix, refix, open, remove, alter, repair, or interfere with any such meter.

Power to charge fee for use of meter. 1473, 1921, s. 13. 1843, 1927, s. 5.

41. (1) The Commissioner may, by notice published in the *Government Gazette*, prescribe an annual fee to be paid for the use of meters for measuring the supply of water under this Act, in all cases, or in such class or classes of cases as are specified in such notice: and such fees shall be payable accordingly.

(2) Any notice published under this section at any time during the currency of the period of twelve months ending on the thirtieth day of June, in any year, may fix the annual fee to be paid for the use of meters during the whole of that period.

Proceedings on failure of meter. 1473, 1921, s. 15. 2077, 1932, s. 29.

42. If at any time the Commissioner has reason to believe that any meter on any land or premises is not correctly indicating, or has not correctly indicated, the quantity of water consumed on such land or premises during any particular period, the Commissioner may assess the amount of water consumed during that period at an amount not exceeding the fair average amount of water consumed in respect of the said or any similar land or premises during any previous periods and the consumer shall be chargeable for the amount of water so assessed as if that amount of water had been actually supplied.

43. If

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43. If any person other than the Commissioner or a person authorised by him fixes, refixes, opens, tampers with, breaks, removes, alters, repairs, or in any manner whatsoever interferes with or damages any meter for measuring the supply of water under this Act, or any fitting, the owner or occupier of the land or premises whereon or wherein such meter or fitting is fixed shall be liable to a penalty not exceeding Twenty Pounds, and shall in addition pay to the Commissioner the cost of all necessary repairs, alterations, and replacements of such meter or fitting.

Penalty for interfering with meter, and power to recover cost of damage to fittings. 1473, 1921, s. 5.

44. Every person supplied with water by the Commissioner shall keep such part of the communication pipe, and the stopcock, drains, and other works and fittings as shall be within his own premises, in good repair, so as effectually to prevent the water from running to waste, or the collection therein of unwholesome matter. In case any person neglects to keep the same in good repair, the Commissioner may, in addition to any other remedy he may possess, cut off the pipe, or turn off the water from the premises of such person, until such stopcock or other works or fittings shall be provided or repaired, as the case may require.

Duty of consumer to keep pipes and fittings within his premises in repair. 269, 1882, s. 48.

45. (1) The owner or occupier of any land or premises supplied with water by the Commissioner, or any consumer of water of the Commissioner, or any other person, shall not affix, or cause or permit to be affixed, any pipe, fitting, or apparatus to a pipe belonging to or used by such owner or occupier, consumer, or any other person, or make any addition to or alteration in any such communication or service pipe, fitting, or apparatus connected therewith, without the consent, in every such case, of the Commissioner.

Prohibition of alteration, &c., of pipes or fittings. *Ibid.*, s. 49.

(2) If any person acts in any respect in contravention of the provisions of this section, he shall, for every such offence, be liable to a penalty not exceeding Five Pounds, without prejudice to the right of the Commissioner to recover damages from him in respect of any injury done to his property, and without prejudice to the Commissioner's right to recover from him the value of any water wasted or misused.

46. (1) No person shall use or place in or upon, or affix or attach to, or permit to be used or placed in or upon or affixed or attached to, any lands or premises supplied or to be supplied with water under this Act, for the purpose or with the intent of thereby using, taking, conveying, or delivering such water, any bath, watercloset, soilpan, receptacle, or fitting, other than such as are by any by-law prescribed or permitted by the Commissioner to be so used, placed, affixed, or attached; nor shall any such watercloset, soilpan, receptacle, or fitting be arranged in a mode different from that prescribed.

Use of fittings. *Ibid.*, s. 50. 2077, 1932, s. 9.

(2) Any person who does or permits any act in contravention of this section shall be liable to a penalty not exceeding Five Pounds for each offence.

47. (1) Any

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Power to enter and examine whether water is wasted, &c., and whether fittings are in order.

269, 1882, s. 51.

47. (1) Any officer of the Commissioner may, at all reasonable times, enter upon any land, and into any premises to which water is supplied by the Commissioner, under agreement or otherwise, for the purpose of examining and ascertaining, and may examine and ascertain, whether there has been or is any waste, misuse, fouling, or contamination of such water, and what quantity of water has been consumed there, and whether all baths, water-closets, soilpans, receptacles, and fittings, and the materials and mode of arrangement thereof, used or intended to be used, on or in such land or premises for the purpose of conveying, delivering, or receiving water supplied, or about to be supplied, by the Commissioner are in every respect in accordance with the by-laws made by him under this Act, and are in proper order and repair, and that they are used only for the purposes for which they may be lawfully used under this Act.

(2) If on such examination, any bath, watercloset, soilpan, receptacle, or fitting is found to be out of proper order or repair, or the mode or arrangement thereof is not in accordance with such by-laws, the Commissioner may, without prejudice to any other power or remedy which he may have under this Act, give notice to the occupier or owner of such land or premises to repair or alter the same.

(3) If any such occupier or owner fails or neglects to comply with such notice, or if any officer of the Commissioner is at any reasonable time refused admission upon such land or into such premises, when such admission is claimed for any of the purposes mentioned in this section, or is obstructed in or hindered from doing all or any of the acts by this section authorised to be done, the Commissioner may cut off the water from such land and premises, and shall not be bound to supply water thereto again except at such times and upon such conditions (including payment of the expenses of cutting off and restoring such water) as he thinks proper to prescribe, but the owner or occupier of such land or premises shall, nevertheless, continue liable to pay water rates as theretofore.

Exemption of pipes and fittings from distress.

Ibid., s. 52.

48. No pipe or fitting attached to or connected with any of the pipes of the Commissioner shall be seized or taken in execution by process of law or under distress for rent.

Penalty for using unauthorised fittings.

Ibid., s. 53.

2077, 1932, s. 10.

49. Any person, being an owner or occupier of land or premises supplied with water under this Act who—

(a) for the purpose of taking in a manner not authorised by this Act any such water, uses in or places on, or affixes or attaches to, such land or premises, or to any prescribed fitting, or wilfully permits to be used in or placed on, or affixed or attached to such land or premises, or to any fitting, any instrument or thing not authorised in that behalf by the Commissioner; or

(b) alters, misuses, injures, or removes any prescribed fitting, except for the purpose of necessary repairs,

shall be liable to a penalty not exceeding Ten Pounds, without prejudice to the right of the Commissioner to recover from him damages

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damages in respect of any injury by such owner or occupier done or wilfully permitted to be done to the Commissioner's property, and without prejudice to the Commissioner's right to recover from him the value of any water wasted, misused, or unduly consumed.

50. Every person who, not being authorised thereto by the Commissioner—

- (a) wilfully or carelessly breaks, injures, or opens, or wilfully permits to be broken, injured, or opened, any lock, cock, valve, pipe, or other fitting, or any work or engine belonging to the Commissioner; or
- (b) flushes, or draws off the water from the reservoirs or other works of the Commissioner; or
- (c) does any other wilful act, or wilfully permits to be done any act whereby such water shall be wasted,

shall, be liable to a penalty not exceeding Ten Pounds and in addition shall be liable to pay to the Commissioner the amount of damage to which the Commissioner may be put in respect thereof, as well for the value of the water wasted as in repairing such fittings or other parts of the works, and the amount of such damage shall be ascertained, determined, and recovered in the same manner as such penalty and may be recovered and ordered to be paid by the Court imposing such penalty in the same proceedings.

51. (1) No Municipal or District Council shall plough or dig the surface of any road or street within any water district unless that Council has not later than fourteen days before commencing so to dig or plough given notice in writing to the Engineer-in-Chief of its intention so to do.

(2) If any Council does not give notice as required in this section and ploughs or digs the surface of any road or street and thereby injures any lock, cock, valve pipe or other fitting belonging to the Commissioner, the Council shall be conclusively deemed to have injured the lock, cock, valve pipe or other fitting carelessly within the meaning of the next preceding section, and shall be liable accordingly.

52. If any person supplied with water by the Commissioner wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, or contamination of the water of the Commissioner, he shall be liable to a penalty not exceeding Five Pounds.

53. If any person supplied with water by the Commissioner wastes any water, or wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle, to be out of repair, or to be so used or contrived

Penalty for breaking valves, &c.

269, 1882, s. 54.

2077, 1932, s. 11.

Duty of Councils to notify Engineer-in-Chief of intended road making.

1843, 1927, s. 6.

2077, 1932, s. 12.

Penalty for contravening this Act.

269, 1882, s. 55.

2077, 1932 s. 13.

Penalty for wasting water, not repairing fittings, &c.

269, 1882 s. 56.

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contrived that the water supplied to him by the Commissioner is, or is likely to be, wasted, misused, or contaminated, or so as to occasion or allow the return of foul air, or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the Commissioner, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Power of Commissioner to cut off water on non-payment of water rates or breach of the provisions of the Act or by-laws. 269, 1882, s. 57.

54. If any person supplied with water by the Commissioner, under agreement or otherwise, fails to pay on demand any water rates, or other moneys due by him to the Commissioner, or due in respect of the premises occupied by such person, or in the opinion of the Commissioner commits a breach of any of the provisions of this Act, or of any by-laws made thereunder, the Commissioner may, without prejudice to any other of his rights, powers, or remedies, cut off the supply of water to such person, and refuse to restore the same until all water rates and other moneys so due, and all penalties which have been inflicted, together with the expenses of cutting off and restoring such water, have been paid.

Penalty for unlawfully taking water. Ibid., s. 58.

55. If any person, not being supplied with water by the Commissioner, wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe, belonging to the Commissioner, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the Commissioner, or supplied by him for the use of any consumer, he shall be liable to a penalty not exceeding Five Pounds.

Penalty for bathing in or throwing dirt in water of the Commissioner. Ibid., ss. 59. and 60.

56. If any person—

- (a) bathes in any stream, reservoir, aqueduct, or other waterworks belonging to the Commissioner; or
- (b) washes, throws, or causes to enter therein any dog or other animal; or
- (c) throws or conveys, or causes or permits to be thrown or conveyed, any rubbish, dirt, filth, or other noisome thing into any such stream, or in the bed of any watercourse, or into any reservoir, aqueduct, or other waterworks, as aforesaid; or
- (d) washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing,

he shall, for each such offence, be liable to a penalty not exceeding Five Pounds.

Penalty for allowing foul water to flow into streams, &c. Ibid., s. 61.

57. If any person causes the water of any sink, sewer, or drain, steam-engine, boiler, or other filthy water belonging to him, or under his control, to run or be brought into any stream, reservoir, aqueduct, pipe, or other waterworks belonging to the Commissioner, or does any other act whereby the water of the Commissioner is fouled, he shall be liable to a penalty not exceeding Five Pounds, and a further penalty of Twenty Shillings for each day (if more than one) that such offence continues.

58. (1) Where

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58. (1) Where the owner or occupier of any land within the watershed of any water district, or any reservoir or source of supply vested in the Commissioner, does, or permits to be done, on his land any act, or permits to remain thereon any matter or thing which, in the opinion of the Commissioner, is likely to injure the water supply, the Commissioner may, by notice in writing given to the owner or occupier, require him to discontinue or remove the same.

Penalty for nuisance in watershed.
269, 1882, s. 62.
1473, 1921, s. 6.

(2) If, after notice is given as aforesaid, the owner or occupier neglects or refuses to discontinue such act, or to remove such matter or thing, he shall, for each such offence, be liable to a penalty not exceeding Five Pounds, and a further penalty of Twenty Shillings for each day (if more than one) that such offence continues.

(3) In any case where an owner or occupier neglects or refuses to remove any matter or thing after notice so to do has been given to him as mentioned in this section, the Commissioner may enter upon the land of the owner or occupier and may remove, or, in or on such land or elsewhere, bury, burn, or otherwise dispose of, such matter or thing; and the cost thereof shall be a debt due to the Commissioner from that owner or occupier.

59. Every person making or supplying gas within the limits of a water district, who at any time causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, or waterworks belonging to the Commissioner, or into any drain, communicating therewith, any washing or other substance which is produced in making or supplying gas, or who wilfully does any act, connected with the making or supplying of gas, whereby the water in any such stream, reservoir, aqueduct, or other waterworks is fouled, or the pipes or conduits thereof injured, shall forfeit to the Commissioner the sum of Twenty Pounds, to be recovered with full costs of suit in the Supreme Court for each day during which such washing or other substance is brought or flows as aforesaid, or during which the act continues by which such water is fouled, after the expiration in either case of twenty-four hours from the time when notice of offence has been served on such person by the Commissioner.

Penalty for permitting substances produced in making gas to flow into works.
269, 1882, s. 63.

60. If the water supplied by the Commissioner is fouled by the gas of any person making or supplying gas within any water district, such person shall be liable to a penalty not exceeding Twenty Pounds and a further penalty not exceeding Ten Pounds for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

Penalty in gasmakers causing water to be fouled.
Ibid., s. 64.
2077, 1932, s. 14.

61. (1) For the purpose of ascertaining whether the water of the Commissioner is fouled by the gas of any person making or supplying gas within any water district, the Commissioner may dig up the ground and examine the pipes, conduits, and works of the persons making or supplying gas.

Power to examine gaspipes to ascertain cause of water being fouled.
269, 1882, s. 65.

(2) At

(2) At least twenty-four hours before proceeding so to dig and examine, the Commissioner shall give notice in writing to the person so making or supplying gas of the time at which the digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the roads, pavements, or place where such digging shall take place.

(3) The Commissioner shall be subject to the like obligation of reinstating the road, pavement, or place, and to the same penalties for delay or any non-feasance or misfeasance therein, as hereinbefore provided with respect to roads and pavements broken up by the Commissioner for laying pipes.

(4) If upon such examination it appears that such water has been fouled by any gas belonging to such person, the expenses of the digging, examination, and repairs of the road, pavement, or place disturbed in any such examination shall be paid by the person making or supplying gas, but if upon such examination it appears that the water has not been fouled by the gas of such person, then the Commissioner shall pay all the expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to his works by such examination.

Penalty for obstructing construction of works.
269, 1882, s. 15.

62. Every person who—

(a) wilfully obstructs any person acting under the authority of the Commissioner in setting out the line of any works undertaken under the authority of this Act;

(b) pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of such works; or

(c) destroys or injures any works so undertaken as aforesaid;

shall be liable to a penalty not exceeding Five Pounds.

Penalty for illegally diverting water.
Ibid., s. 16.
2077, 1932, s. 5.

63. (1) After any stream or supply of water has been diverted, impounded, or taken by the Commissioner, under the authority of this Act, every person who illegally, or without the authority of the Commissioner, diverts or takes any water supplying or flowing into the stream or source of supply so diverted, impounded, or taken by the Commissioner, or who does any unlawful act whereby any such stream of supply of water may be diverted or diminished in quantity, or injured in quality or purity, and who does not immediately repair the injury done by him, on being required by the Commissioner, so as to restore such stream or supply of water to the state in which it was before such unlawful act, shall be liable to a penalty not exceeding Twenty Pounds for every day during which the said supply of water is diverted, or diminished, or injured by reason of any act done by, or by the authority of such person.

(2) Any such penalty shall be in addition to the sum which such person may be lawfully adjudged to pay to the Commissioner for any damage which he may sustain by reason of his supply of water being diminished.

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(3) The imposition of any such penalty shall not bar the right of the Commissioner to bring any action or any other remedy at law in respect of the damage so committed.

64. Any person who unlawfully and maliciously destroys or damages or attempts to destroy or damage, any reservoir, dam, tank, tunnel, watercourse, sluice, main-pipe, aqueduct, bridge, roadway, or engine, or other part whatever of the works of the Commissioner, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding ten years.

Penalty for destroying works.
269, 1882, s. 17.

65. Any person trespassing on any land or premises vested in or occupied by the Commissioner shall be guilty of an offence, and shall be liable to a penalty not exceeding Five Pounds.

Penalty for trespassing.
1473, 1921, s. 12.

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ASSESSMENT, RATING, AND RECOVERY OF RATES.

66. (1) As early as he conveniently can in every year the Commissioner shall make, for the purposes of this Act, such an assessment as is in this Act described.

Annual assessment.
269, 1882, s. 66
(part).
1473, 1921, s. 18.

(2) Notice of the making of the assessment shall be published by the Commissioner in the *Government Gazette* so soon as he conveniently can after it has been made.

(3) Immediately upon such publication the assessment shall be deemed to have been in force from the commencement of the then current year, and shall, unless lawfully altered within that year, continue and be in force until the end thereof, but if the assessment is lawfully altered within that year then the assessment as so altered shall be deemed to have been in force from the commencement of that year, and shall continue to be in force until the end thereof.

(4) Notwithstanding anything in this section the assessment which is in force on the last day of any year shall continue and be in force during the whole of the next year, if the Commissioner shall so direct by a notice published in the *Government Gazette* before the first day of August in such next year.

67. (1) The assessment—

(a) shall be made according to the full, fair, and average estimated annual value of the land and premises assessed, and clear of all outgoings; and

Method of assessment.
269, 1882, s. 66
(part).

(b) shall be written in a book wherein shall be specified in separate columns—

I. the names of the respective owners or agents of the owners of such land and premises, so far as those names can be ascertained;

II. the

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II. the estimated annual value of the several lands and premises ; and

III. a succinct description of the lands and premises.

(2) Such of those lands as are vacant land shall be distinguished as such in the said book.

Appointment of assessors and adoption of assessment.
269, 1882, s. 67.

68. For the purpose of making any such assessment, the Commissioner may appoint any person to assess the whole or part of such lands and premises, and may, if he thinks proper, adopt, either wholly or in part, any assessment then in force which has been made by, or by the authority of, any Municipal or District Council.

Power to inspect assessment-books.
Ibid., ss. 68 and 69.
1473, 1921, s. 7.

69. (1) The Commissioner, or any person having an order for that purpose under the Commissioner's seal, shall be entitled as of right, at all reasonable times, free of charge—

(a) to have access to and inspect all rate-books and assessment-books relating to any land or premises within any water district, and all other books and documents relating to any assessment thereof; and all deeds, instruments of title, books, returns, accounts and documents, in the Lands Titles Registration Office or the General Registry Office for the registration of deeds, or in the office of the Registrar of Probates or of the Commissioner of Taxes or any other public office, relating to any such land or premises; and

(b) to make and take copies thereof, or extracts therefrom.

(2) If any person having the custody of any rate-book, assessment book, or other book or document mentioned or described in this section, wilfully neglects or refuses to permit the Commissioner, or any person having an order for that purpose under the Commissioner's seal as aforesaid, to inspect the same free of charge, or to make and take free of charge, copies or extracts from the same within two days after a demand in writing and such written authority under the Commissioner's seal is produced and shown to him, or a copy thereof left at his usual place of abode, he shall be liable to a penalty not exceeding Twenty Pounds.

Estimation of annual values.
269, 1882, s. 70.
2077, 1932, s. 15.

70. (1) The annual value of vacant land shall be estimated at five per centum on the capital value of the fee simple.

(2) The annual value of land and premises (other than vacant land) shall, if the whole of the land and premises are assessed together, be estimated at three-fourths of the gross annual rental at which the whole would let for a term of seven years or at five per centum on the capital value of the fee simple. The Commissioner may assess separately any part of any such land and premises and the annual value of any such part so assessed shall be estimated at three-fourths of the gross annual rental at which such part would let for a term of seven years or at five per centum on the capital value of the fee simple.

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71. In every assessment made by the Commissioner for the purposes of this Act, he shall assess all lands and premises situated within the water district, and not being such lands or buildings as are described in section 37.

Lands assessed.
269, 1882, s. 71.

72. So soon in every year as any such assessment has been made, the assessment-book, or a true copy thereof, shall be deposited in the office of the Commissioner, and the same shall be open free of charge to inspection of all persons interested between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on every day except Sundays, Saturdays, and public holidays.

Deposit of
assessment-book,
and inspection by
interested persons.
269, 1882, s. 72.

73. (1) Whenever any land or premises which, in the opinion of the Commissioner, ought to have been, or ought to be, assessed for the purposes of this Act are not so assessed, the Commissioner may cause the same to be so assessed, and after they have been so assessed shall, so soon as he conveniently can, alter and amend the assessment then in force, and the corresponding assessment-book, in such manner as seems to him proper in that behalf.

Addition to
assessment.
Ibid., s. 73.

(2) If such land or premises were at the commencement of the then current year assessable under this Act, the owner or occupier thereof shall thereupon be liable to pay and be charged with the whole amount of the water rate for that year; but if they have become so assessable since the commencement of that year, the owner or occupier shall be liable to pay and be charged with only such proportionate part of that year's water rate as to the Commissioner seems just.

74. If at any time it appears to the Commissioner that the name of any person has been inserted in any assessment or assessment-book as the owner or occupier of any land or premises in respect of which some other person ought to have been assessed, or that any other matter purely of error needs rectification in the assessment or assessment book, the Commissioner may—

Correction of
assessment.
Ibid., s. 74.

- (a) cause the assessment to be rectified as he thinks proper, and the name of the owner or occupier to be inserted in the assessment or assessment book, together with the annual value at which such land or premises shall be assessed :
- (b) substitute for the name of any person erroneously described therein as the owner or occupier of any land or premises assessed the name of the actual owner or occupier thereof :
- (c) correct any other error in the assessment or assessment book in such manner as he deems proper.

75. So soon as he conveniently can after any alteration has been made under this Act in any assessment or assessment-book, the Commissioner shall publish in the *Government Gazette* a notice to the effect that such alteration has been made,

Publication of
notice of alteration
of assessment.
Ibid., s. 75.

76. Any

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Appeals against
assessments.
Ibid., s. 76.

76. Any person rated or liable to be rated under this Act may, within one month after the publication in the *Government Gazette* of the notice of the assessment, appeal from such assessment upon the ground that any land or premises—

- (a) are assessed above their full and fair annual value ; or
- (b) are omitted from the assessment ; or
- (c) are not assessable.

Appeals against
alteration of assess-
ment.
Ibid., s. 77.

77. (1) Any person rated or liable to be rated under this Act may within one month after publication in the *Government Gazette* of notice of an alteration in the assessment, appeal from the assessment as altered, upon the ground that any land or premises—

- (a) are assessed above or below their full and fair annual value ; or
- (b) are omitted from the assessment ; or
- (c) are not assessable.

(2) It shall not be competent for any person to appeal from an altered assessment upon any ground which would have enabled him to appeal from the assessment before the alteration was made.

Courts of Appeal.
Ibid., s. 78.

78. (1) In the Adelaide water district the Adelaide Local Court of Full Jurisdiction, and for every other water district the nearest Local Court of Full Jurisdiction thereto, shall be the Court of Appeal, having jurisdiction to hear and determine all appeals from every original or altered assessment made under this Act.

(2) Every such appeal shall be commenced by a written notice in the form prescribed by by-law, or as near thereto as circumstances will permit, delivered to the clerk of the Court within the period allowed for appealing.

(3) The Court may in its discretion refuse to award any costs to either the Commissioner or appellant, or may direct either the Commissioner or the appellant to pay to the other party to any such appeal all or so much of the costs properly and necessarily incurred in reference thereto as shall to such Court seem just, and the Court shall, upon determining such appeal fix in a summary way the amount (if any) of the costs ordered to be paid. The amount so fixed shall be a debt due by the party ordered to pay it to the other party to such appeal.

Hearing of appeal.
Ibid., s. 79.

79. (1) Every appeal shall be heard at the sittings of the Local Court next after five weeks from the publication in the *Government Gazette* of the notice of assessment or alteration thereof as the case may be.

(2) At the hearing the assessment-book shall be produced by the Commissioner.

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(3) Upon considering any relevant legal evidence that may be tendered touching the question in dispute, the Court, at the same or at some adjourned or subsequent sittings, may make such order touching the matter in dispute and costs as shall be just, and shall cause any alteration necessitated by the decision to be immediately made in the assessment-book, which shall be then produced to the Court by the Commissioner.

(4) Every such alteration shall be attested by the signature of the Judge or Special Magistrate sitting in the Court.

(5) The Court may enforce any order in the same manner as though the same were the order of a Court of Summary Jurisdiction.

80. (1) The Local Court upon the hearing of any appeal may state a special case for the opinion of the Supreme Court.

Power of Local Court to state case for Supreme Court.

Ibid., s. 80.

(2) The Supreme Court shall hear and decide such special case or cases according to the practice on special cases, and shall make such order as to costs as shall appear just.

(3) The Local Court may make an order in respect of the matters referred to the Supreme Court in conformity with the certificate of the said Supreme Court or of any Judge thereof.

(4) The said order shall be enforced in a summary way.

81. The right of the Commissioner to recover water rates in respect of any land or premises alleged in any notice of appeal to be assessed above its or their full and fair value, shall not be suspended by an appeal. If the appellant succeeds on any such appeal, the amount (if any) of water rates received by the Commissioner in excess of the amount which, according to the decision, on the appeal, the Commissioner was entitled to recover from him, shall forthwith be repaid to him by the Commissioner.

Right to recover water rates not to be suspended by appeal.

Ibid., s. 81.

82. (1) The Commissioner may make and levy water rates on all lands and premises comprised in the said assessment.

Scale of water rates.

Ibid., s. 82.

(2) The scale of water rates shall be such as the Commissioner shall in each year, by notice in the *Government Gazette*, fix and determine.

1473, 1921, s. 8.
2077, 1932, s. 16.

(3) All such water rates shall be levied and taken as payment for water supplied by the Commissioner from the waterworks.

(4) The Commissioner may, whenever he deems it expedient so to do, either in addition to or in substitution for making and levying rates as aforesaid, sell or supply water to consumers, who shall pay according to the quantity of water consumed, such quantity to be ascertained by a meter on or near the land or premises of the consumer, and the Commissioner may fix the price of the water, the scale of charges to be paid, and the conditions upon which water shall be supplied.

83. (1) The

PART V.

Waterworks Act.—1932.

Power of Commissioner to fix minimum water rates.
2077, 1932, s. 17.

83. (1) The Commissioner may fix a minimum water rate payable in respect of vacant land comprised in any assessment, and may also fix a minimum water rate payable in respect of land and premises (other than vacant land) comprised in any assessment.

(2) The said minimum water rates fixed in respect of any portion of any such vacant land or land and premises may be different from or greater than the minimum water rates fixed in respect of the remainder of or any other portion of such vacant land or land and premises.

(3) No such minimum water rate fixed pursuant to this section shall exceed the following amounts, namely:—

(i.) in the case of vacant land to which a water service is not laid—Five Shillings:

(ii.) in the cases of vacant land to which a water service is laid and land and premises (other than vacant land)—Fifteen Shillings.

Power to reduce scale of water rates.
269, 1882, s. 83.

84. By notice published in the *Government Gazette* the Commissioner may, from time to time, throughout the whole or any part of any water district—

(a) reduce the scale of water rates on every or any description of land or premises assessed under this Act; and

(b) reduce the price of water supplied by him under agreement.

Conditions of water supply provided under agreement.
1473, 1921, s. 16.

85. (1) The Commissioner may, by extension of a main pipe or other work, provide a supply of water for any land or premises either within or outside a water district, in pursuance of an agreement by the owner of such land or premises to pay to the Commissioner interest at a rate to be specified in the agreement on such owner's proportion, as fixed by the Commissioner, of the cost of such extension or other work.

(2) The Commissioner may levy, upon any land or premises for which he has provided a supply of water pursuant to subsection (1) hereof, an annual rate sufficient, in the opinion of the Commissioner, to produce the annual sum payable under the agreement entered into under the said subsection with respect to such land or premises.

(3) Where the Commissioner provides a supply of water in manner mentioned in subsection (1) hereof for any land or premises abutting on any street, and by means of the same main pipe or work a supply of water can also be provided for any other land or premises abutting on such street, but the owner of the last-mentioned land or premises has not entered into an agreement with the Commissioner under that subsection, such owner shall nevertheless, if the Commissioner thinks proper, be deemed to have entered into such an agreement, and in that case his land or premises shall be ratable under subsection (2) hereof accordingly.

86. (1) If

Waterworks Act.—1932.

PART V.

86. (1) If any consumer, in any year and in respect of any land or premises, consumes any water in excess of the quantity of water he is entitled to use in respect of his rates in respect of such land or premises (which quantity is hereinafter called "the rebate allowance") he shall, in addition to such water rates, be chargeable for the water so supplied in excess of such rebate allowance at the price for the time being in force fixed by the Commissioner for water consumed in excess of the rebate allowance.

Payment for excess water.

Ibid., s. 17.

(2) The rebate allowance for the purpose of this section shall be calculated separately with respect to the land or premises supplied through any one service and meter; and the rebate allowance with respect to any other land or premises of which the same person is the owner or occupier shall not be taken into account for the purpose of such calculation.

(3) Subsection (2) of this section shall not apply to country lands within the meaning of Part VI.

87. (1) A notice containing particulars of any amount (other than a pecuniary penalty) payable to the Commissioner by any person under this Act, or under any by-law or notice made or published under this Act, shall be given to such person as soon as conveniently may be after the amount becomes payable.

Service of notice of amount due to Commissioner and method of recovery thereof.

Ibid., s. 9.

(2) Any such notice may be given—

- (a) by delivering the same to the person by whom the amount is payable, or by leaving the same at his usual residence or place of business with some person apparently above the age of fourteen years; or
- (b) by leaving the same upon the land or premises with respect to which, or with respect to any meter or fitting upon or in which the amount is payable; or
- (c) by posting the same enclosed in a prepaid envelope addressed to the person by whom the amount is payable, at his last known or most usual place of abode or business.

(3) In any proceedings for the recovery of any such amount as aforesaid, the onus of proving that notice was not given as provided by this section shall be on the defendant.

(4) The amount specified in a notice under this section shall, upon the giving of the notice, be forthwith paid to the Commissioner, and the Commissioner may, in default of such payment, whether or not the amount is due in respect of rates—

- (a) avail himself, for the purpose of recovering the amount, of any or all of the methods and remedies provided by this Act for the recovery of rates in arrear; and
- (b) cut off the supply of water to the premises in respect of which, or of the meter or any fitting upon or in which, such amount is payable, until the amount, together with

all

PART V.

Waterworks Act.—1932.

all the expenses incurred by the Commissioner in cutting off such supply and the estimated cost of restoring such supply, have been paid.

(5) Nothing in this section shall be deemed to take away any remedy prescribed by any provision of this Act for the recovery of any amount due to the Commissioner.

Property exempted
from rates.
269, 1882, s. 85.

88. No lands or premises used—

- (a) exclusively for charitable purposes; or
- (b) exclusively for public worship; or
- (c) for the purposes of any State school,

shall be subject to any rates on assessments to be levied in respect of such lands and buildings.

Land subject to
water rates.
Ibid, s. 86.
2077, 1932, s. 18.

89. (1) Water rates under this Act shall be paid and payable in respect of all land and premises which abut on any street in a water district, provided that a main pipe has been laid down in such street for the purpose of supplying water to such land and premises.

(2) Water rates under this Act shall also be paid and payable in respect of all land and premises within a water district to which a water supply is laid, notwithstanding that such land and premises are not situate in a street in which a main pipe has been laid down as aforesaid.

Imposition of water
rates.
269, 1882, s. 87.

90. (1) Whenever a main pipe is laid down by the Commissioner in any street situate in any water district, he shall publish in the *Government Gazette* a notice that such main pipe has been laid down there, and that he is prepared to distribute constant supply of water therefrom to the land and premises abutting on the street.

(2) From and after the expiration of seven days from such publication being made, water rates shall be payable, according to the scale which shall then be in force in respect of land and premises within such water districts, for the period which elapses between the first day of whatever month next follows the expiration of such seven days and the first of the half-yearly days of payment hereinafter mentioned, and thereafter the rates shall be payable half-yearly in advance on every first day of January and first day of July according to the scale which is in force at the time when such payments respectively fall due.

Provisions where
several houses
supplied by one pipe.
Ibid., s. 88.

91. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or where water is supplied to courts, alleys, and rights-of-way by standpipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of the same water rates as they would have been liable to if each of the several houses or parts of houses had been supplied with water from the works of the Commissioner by a separate pipe.

92. (1) In

Waterworks Act.—1932.

PART V.

92. (1) In respect of water rates in arrear for the payment whereof the owner of the land or premises assessed is liable, the collector may give notice in writing to the occupier of the land or premises, in respect of which the arrears shall be due, to pay to him all rents thenceforward until satisfaction shall be made thereof of the arrears.

Power of collector to give notice to tenants to pay rents when water rates payable by owner are in arrear.

Ibid., s. 89.

2077, 1932, s. 19.

(2) Every such occupier shall pay all rent accruing due after the service of such notice, pursuant to the requisitions thereof, to the collector.

(3) Until full satisfaction of the said arrears by the receipt of rent as aforesaid, together with an amount equal to five per centum of the rent paid as aforesaid (which said amount shall be payable to the Commissioner as costs for the collection of such rent), the Commissioner is hereby empowered to exercise against the occupier, in addition to any other remedy under this Act, all remedies which may be enforced by a landlord against a tenant for recovery of rent in arrear.

(4) The receipts given by the Commissioner or collector to each such occupier shall, as between him and the person to whom he should otherwise have paid such rent, be a complete discharge from such rent to the amount paid, and may be pleaded in bar to every action in which such rent is, or damages in lieu thereof are, sued for.

93. (1) Any amount (other than a pecuniary penalty) due to the Commissioner under this Act, or under any by-law or regulation made under this Act, shall, until payment, be and remain a first charge upon the land or premises with respect to which, or to any meter or fitting upon or in which, the amount is payable.

Recovery of amounts due to Commissioner.
1473, 1921, s. 10.

(2) No statute of limitations or other Act shall bar or in any wise affect any action or other legal proceeding for the recovery of any such amount.

(3) The said amount shall be payable by and be recoverable from the consumer, or from the owner or occupier for the time being of the land or premises with respect to which, or to any meter or fitting upon or in which, the amount is payable.

94. All water rates (except charges for water supplied by measure under agreement) shall be paid in advance by equal payments on the first day in July and the first day in January in each year: Provided that the Governor may, by proclamation, declare that in the water district or districts specified in such proclamation all rates (except as aforesaid) shall be payable in advance on the first day of July in every year, in which case the rates shall be so paid accordingly.

Time of payment of water rates.
Ibid., s. 11.

95. (1) If any water rates or other charges due to the Commissioner are unpaid, the Commissioner may—

Recovery of rates.
269, 1882, s. 92.
1843, 1927, s. 7.
2077, 1932, s. 20.

(a) recover the said rates or charges with costs; or

(b) issue

(b) issue a warrant to a bailiff or other person referred to in the warrant (whether by name or by reference to his office) to levy the said rates or charges together with fees and expenses not exceeding the fees and expenses provided by by-law, by distress and sale of the goods and chattels, wheresoever they may be found, of the owner or occupier, at the time when the warrant is executed, of the land or premises with respect to which the said rates or charges are payable.

(2) The Commissioner may in the first instance at his option, cause to be distrained under this section either the goods and chattels of the person occupying the land or premises in respect of which rates or charges are due and unpaid, or the goods and chattels of the owner of the said land or premises; and in case no sufficient goods and chattels of the person against whom distress is levied in the first instance are found to satisfy the distress, the Commissioner may cause to be distrained the goods and chattels of the other person whose goods and chattels are under this section liable to distraint.

(3) If the owner of any land or premises in respect of which any rates or charges are due and unpaid is absent from the State, and upon distress being levied no sufficient goods of the occupier can be found to satisfy such distress, the agent of the owner shall be liable for the said rates or charges and the same may be recovered from him: Provided that the liability of such agent shall be limited to moneys held by him or coming into his possession on behalf of the owner.

(4) Any bailiff or other person to whom a warrant has been issued under this section shall, for the purpose of executing the warrant, have all the powers and authorities of a bailiff under the Local Courts Act, 1926.

Power of tenant paying water rates due by his landlord to recover same.
269, 1882, s. 93.

96. (1) When any owner or lessor of any land or premises assessed is, by contract or otherwise, liable to payment of any water rates to be collected in respect thereof, and such water rates are required from and paid by any lessee or occupier, then the lessee or occupier may set off the amount so paid against any rent due from him to such owner or lessor, and the collector's receipt for such water rates shall be a discharge of rent and evidence of payment to the amount specified therein.

(2) If the water rates so paid or satisfied exceed the rent due, the lessee or occupier may either set off the amount of the excess against accruing rent or recover the same by action as for money paid.

(3) If any notice is given by the lessee or occupier to the owner or lessor of the water rates having been demanded, and there is no rent due from him in respect of the property rated, and the lessee or occupier is compelled to pay the water rates, he may sue the owner or lessor for the amount as for money paid, and shall be entitled to recover the same with full costs as between solicitor and client.

(4) If

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PART V.

(4) If the goods of the lessee or occupier are subjected to distress and sale for the satisfaction of the water rates and no rent at the time is due, he may sue the owner or lessor for double the amount of the value of his goods so distrained and sold, and shall be entitled to recover the same with costs as aforesaid.

97. A tenant who pays water rates for a period prior to or extending beyond his term shall be entitled to recover from his landlord the amount so paid.

Power of tenant to recover portion of water rate in certain cases.

Ibid., s. 94.

98. (1) If any water rates in respect of any land or premises are in arrear for the space of two years, the Commissioner may cause to be published three times in the *Government Gazette* a notice, in the form prescribed by by-law under this Act.

Power to sell lands when water rates are in arrear.

Ibid., s. 95.

2077, 1932, s. 21.

(2) If, after one year from the last publication of the notice, all or any part of the water rates due at the time of the first publication thereof are still unpaid, the Commissioner may—

(a) let such land or premises from year to year, and may receive the rents and apply the same towards the payment of the water rates and the costs and expenses, and hold any surplus for the owners of the land or premises :

(b) by petition to the Supreme Court or any Judge thereof, apply for a sale of the lands described in such notice, or of so much thereof as may be necessary.

(3) The Court or Judge, on being satisfied by affidavit or otherwise that the arrears are lawfully due and were in arrear at the time of the first publication of such notice, and that all acts required by this section to be done by the Commissioner have been done, shall order—

(a) that the said land or premises be sold, or so much thereof as is sufficient to pay all arrears due up to the time of sale and interest at five per centum per annum, from the time of the first publication of the notice on such arrears as were then due, together with all costs of and attending the notice, and the costs of and attending the application and of and attending the sale by public auction ; and

(b) that the proceeds be paid into Court ; and

(c) that payment of the said water rates, interests, costs, and expenses be made in preference to any mortgage or other security ; and

(d) that the conveyance or deed of assurance, as the case may require, shall be executed by the Master, or other officer of the Court, to the purchaser, in such form as shall be approved by the Court or a Judge.

(4) The said conveyance or deed of assurance shall vest the legal estate (according to its nature) in the sold lands in the purchaser, free from all encumbrances.

(5) The

(5) The balance arising from the proceeds of such sale shall remain and be subject to any future or other orders of the Court, for behoof of the party or parties interested therein.

(6) In any case where the land is under the provisions of The Real Property Act, 1886, the purchaser shall be entitled to receive a certificate of title to the land purchased.

Power of lessee to recover half cost of service pipes, &c., when lease has less than five years to run.
269, 1882, s. 96.

99. Any lessee, and the executors, administrators, and assigns of any lessee of land or premises assessed under this Act, who holds or who hold them under a lease for a term whereof a period less than five years remain unexpired, when the cost hereinafter mentioned is incurred, shall—

(a) be entitled to receive from his lessor, his executors, administrators, or assigns, a moiety of the cost which such lessee or his under-lessee, or the executors, administrators, or assigns of such lessee or under-lessee, may have paid or may be liable to pay to the Commissioner for providing, laying down, and fixing in readiness for use, such service pipes or other prescribed fittings as are necessary for conveying the water from the main pipe to such land or premises; and

(b) may, in addition to any other remedy for recovering such costs, deduct such moiety from any rent due or to accrue due under the lease.

Payment of net proceeds of rates to Treasurer.
Ibid., s. 97.

100. All moneys received by the Commissioner under the authority of this Act shall, after deducting therefrom the necessary cost and charges of and attending the collection of the same, and also of the maintenance of the works and of keeping up the supply of water, and all such moneys which under the authority of this Act he has paid, be paid at least once in each year by the Commissioner to the Treasurer, who shall thereout pay off such amount of capital and interest in respect of the moneys raised for the purposes of the works as may from time to time fall due.

Publication of annual accounts.
Ibid., s. 98.
1473, 1921, s. 18.

101. (1) Every year the Commissioner shall cause to be prepared for the year preceding, under the distinct heads of receipts and expenditure, an account in abstract of all moneys advanced to him, and of all water rates and other moneys levied or received by him for the purposes of the waterworks in every water district, and also of all moneys expended by him for such purposes and of the manner in which such moneys were expended.

(2) Every such account shall contain a statement of the balance of such account, and shall be duly audited and certified by the Auditor-General.

(3) A true copy of every such account in abstract shall be published in the *Government Gazette* on or before the thirtieth day of June in the year in which it is prepared.

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PART VI.

PART VI.

CONSTRUCTION RATES ON COUNTRY LANDS.

102. (1) In the construction of this Part "country lands" means all lands which are not situated within any of the water districts mentioned in the Second Schedule.

Scope of Part.
1717, 1925, s. 3.

(2) The Governor may from time to time by proclamation add any water district to the list of water districts in the Second Schedule, and may in like manner strike out any water district from the said list, and from the date of any such proclamation this Part shall be read and construed as if the water district so added or struck out had or had not (as the case may be) been specified in the Second Schedule at that date.

103. (1) The Commissioner may, in addition to any other rates or charges payable under this Act, make and levy on all country lands in any water district an annual construction rate to be calculated in manner provided in this Part.

Power to levy
annual construction
on country
lands.
Ibid., s. 4.
2077, 1932, s. 25.

(2) The said construction rate shall be based upon the unimproved value of the country lands, and shall be calculated at the rates set forth in the Third Schedule.

(3) For the purposes of this Part the unimproved value of any country land shall be the unimproved value at which the land is, for the time being, assessed by the Commissioner of Taxes for the purposes of the Taxation Act, 1927.

(4) If—

- (a) any country land within a water district is not included in an assessment made by the Commissioner of Taxes as aforesaid ;
- (b) any country land within a water district is included by the Commissioner of Taxes in one assessment with other land not within a water district ; or
- (c) any country land within a water district assessed by the Commissioner of Taxes as an entirety is subsequently divided between two or more owners,

the Commissioner may cause to be made an assessment thereof, which shall, so far as practicable, be founded on the assessment made by the Commissioner of Taxes.

(5) Any assessment made as aforesaid by the Commissioner shall remain in force until the next assessment of land is made by the Commissioner of Taxes pursuant to the provisions of the Taxation Act, 1927.

104. The said construction rate—

- (a) shall become payable so soon as the water main has been laid down and notice thereof published the *Government Gazette* :
- (b) shall

Payment and
recovery of rates.
446, 1888, s. 4.

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(b) shall be paid annually in advance :

(c) may be recovered from the owner or occupier of the land rated in the same manner as water rates under Part V. are by this Act recoverable.

Charging of rates
on land.
446, 1888, s. 5.

105. Every construction rate payable under this Part shall be a continual charge upon the lands charged therewith, and all moneys paid in respect thereof shall be credited against any money which may be payable by the owner or occupier of such lands in respect of water supplied to him by the Commissioner under agreement.

PART VII.

PART VII.

POWER TO LEASE CERTAIN WATERWORKS.

Power to lease.
269, 1882, s. 109.

106. (1) The Commissioner may, with the consent of the Governor, lease to any Municipal Corporation or District Council or to any persons the whole or any part or any waterworks, and any property connected therewith, for such period, at such rent, upon such terms and conditions, and subject to such powers, reservations, restrictions, and provisions as he may think fit.

(2) Any Municipal Corporation or District Council may accept any such lease, and may from time to time apply all necessary portions of its revenue in paying the rent reserved thereby, and also in repairing and maintaining the waterworks so leased.

(3) The power to lease conferred by this section shall not apply to any waterworks within the Adelaide Water District.

Power to accept
surrenders.
Ibid., s. 110.

107. The Commissioner may, with the consent of the Governor, accept a surrender of any such lease upon such terms and conditions, and may allow such concessions and remissions, as he shall think fit.

Powers of lessees.
Ibid., s. 111.

108. (1) Every such lessee shall, during the term of the lease, have and may exercise, with respect to the works so leased, all such rights, powers, and privileges vested in and exercisable by the Commissioner as the Governor may, from time to time by proclamation, declare.

(2) Notwithstanding any such lease, all felonies, fines, penalties, and forfeitures for any crime or offence against the provisions of this Act, shall be punishable, payable, and recoverable against, by, and from the person committing or liable to the same, as if any such leases had not been made.

109. Whenever

Waterworks Act.—1932.

PART VII.

109. Whenever any waterworks are leased under this Part it shall be competent for the Commissioner in the lease or the Governor by proclamation, to confer on the lessees, during the term of any lease, all or any of the powers in Part V. granted to the Commissioner. The powers conferred as aforesaid may be conferred subject to such conditions or restrictions as the Commissioner in the lease or the Governor in the proclamation may fix.

Rating powers of lessees.
446, 1888, s. 7.
2077, 1932, s. 26.

PART VIII.

MISCELLANEOUS.

PART VIII.

110. All fines, penalties, and other moneys levied or recovered by the Commissioner under this Act, or under any agreement made under it, shall, so far as not otherwise specially appropriated, be paid to the Treasurer, to be by him carried to the credit of the Commissioner for the purposes of this Act.

Appropriation of moneys recovered under this Act.
269, 1882, s. 99.

111. All proceedings for offences against this Act (not being felonies) shall be disposed of summarily.

Summary procedure.
Ibid., s. 100.

112. The register of every meter provided by the Commissioner, or a copy thereof, certified to be true by the Commissioner or any officer appointed by him under this Act, shall be *prima facie* evidence of the quantity of water consumed.

Register of meters to be *prima facie* evidence.
Ibid., s. 102.

113. Every penalty imposed by this Act, or by any by-law made thereunder, may be proceeded for and enforced either against the person actually committing any breach of such Act or by-law, or the person in whose employment he is, or on whose behalf he is acting.

Persons liable for penalties.
Ibid., s. 103.

114. Where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the complaint, summons, conviction, warrant of distress, or other proceedings relating thereto; nor shall the persons distraining be deemed trespassers on account of any irregularity that may be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in any Court of competent jurisdiction.

Distress not unlawful for want of form.
Ibid., s. 104.
2077, 1932, s. 22.

115. (1) All proceedings other than proceedings for an offence against this Act to be commenced against any person for anything done, or for anything omitted, which ought to have been done in pursuance of this Act, shall be commenced within three months after the fact was committed, or omitted, as the case may be, and not otherwise. Notice in writing of the action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

Proceedings against persons acting under this Act.
269, 1882, s. 105.
2077, 1932, s. 23.

PART VIII.

Waterworks Act.—1932.

(2) In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial thereupon.

(3) No plaintiff shall recover in any such action if tender of sufficient amends, as hereinafter mentioned, has been made before such action brought, or if a sufficient sum of money has been paid into Court after such action brought by or on behalf of the defendant, together with the costs incurred up to that time.

(4) If a verdict is given for the defendant, or the plaintiff becomes non-suited, or discontinues any such action, or if otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases.

(5) Notwithstanding that a verdict is given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant unless the Court certifies in writing at the conclusion of the trial its approbation of the action and of the verdict obtained thereupon.

Tender of amends.
269, 1882, s. 106.

116. If any person commits any irregularity, trespass, or other wrongful proceeding in execution of this Act, or omits to do anything which in pursuance of this Act, or by virtue of any power or authority hereby given, he ought to do, and makes tender to the person injured, his solicitor or agent, of such amends as, in the opinion of the Court at the trial were sufficient, such last-mentioned person shall not recover in any such action.

Transient offenders.
Ibid., s. 107.
2077, 1932, s. 24.

117. Any officer or servant of the Commissioner, and all persons called by him to his assistance, may seize and detain any person who commits any offence against the provisions of this Act, and whose name and residence is unknown to such officer or servant, and may convey him with all convenient dispatch before a Court of summary jurisdiction without any warrant or other authority than this Act. The Court of summary jurisdiction shall proceed with all convenient dispatch to the hearing and determining of the complaint against such offender.

Gazette to be evidence in certain cases.
269, 1882, s. 108.

118. The production of the *Government Gazette* containing any notice or assessment purporting to be published by the Commissioner in pursuance of this Act, shall in every Court of Justice be deemed and taken to be *prima facie* evidence of the publication, and of all such facts and circumstances as were or shall be necessary to authorise the publication of any such notice or assessment.

Evidence.
446, 1888, s. 6.

119. In all proceedings for the recovery of rates, the allegation by the Commissioner that a person is the owner or occupier of any particular quantity of land liable to be rated, and of the amount of rates due in respect thereof, shall be *prima facie* evidence of the fact.

120. The

Waterworks Act.—1932.

PART VIII.

120. The existence of a communication pipe or pipes between a main pipe of the Commissioner and any land or premises and the existence of a meter on or near such land or premises shall, in any legal proceedings, be conclusive evidence that the consumer, and the owner and the occupier of the land or premises for the time being, have severally contracted with the Commissioner for the supply of water to them respectively, subject to the provisions of this Act.

Existence of communication pipes evidence of contract.

1473, 1921, s. 14.

2077, 1932, s. 28.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.

Waterworks Act.—1932.

SCHEDULES.

THE FIRST SCHEDULE.

ACTS REPEALED.

Reference to Act.	Title.
No. 269 of 1882 ...	The Waterworks Act, 1882
No. 446 of 1888 ...	The Waterworks Act Amendment Act, 1888
No. 1473 of 1921 ..	Waterworks Act Amendment Act, 1921
No. 1717 of 1925 ..	Waterworks Act Amendment Act, 1925
No. 1843 of 1927 ..	Waterworks Act, 1927
No. 1895 of 1929 ..	Waterworks Act Amendment Act, 1929
No. 2077 of 1932 ..	Waterworks Act Amendment Act, 1932.

THE SECOND SCHEDULE.

1717, 1925, s. 5.

Adelaide	Georgetown	Murray Bridge	Tarlee
Alford	Gladstone	Napperby	Teatree Gully
Amyton	Goolwa	Narridy	Templers
Angaston	Greenock	North Halbury	The Noarlunga
Angle Vale	Gulnare	Nuriootpa	Townships
Ardrossan	Halbury	Owen	The Township of
Arno Bay	Hamley Bridge	Palmer	Freeling
Arthurton	Hammond	Parham	Thevenard
Balaklava	Haslam	Paskeville	Thrington
Bartleville	Hawker	Penfield	Tickera
Beatty	Howe	Peterborough	Township of Loxton
Beaufort	Hoyleton	Pinnaroo	Tumby
Bellwood	Kadina	Point Pass	Tweedvale
Blackwood and	Kapunda	Poochera	Two Wells
Belair	Keilli	Port Augusta	Ungarra
Blyth	Kielpa	Port Broughton	Virginia
Booloroo Centre	Koolunga	Port Elliot	Wakefield
Bower	Kyancutta	Port Gawler	Walanippie
Bowmans	Kybunga	Port Germein	Wallaroo
Brinkworth	Lawrence	Port Lincoln	Wallaroo Mines
Broughton	Light Town	Port Pirie	Wangary
Burra	Lipson	Port Prime	Warnertown
Bute	Lock	Port Victor	Warrambo
Carrow	Lochiel	Pygery	Wasley
Ceduna	Lorne	Price	Whitwarta
Clinton	Lyndoch	Redbanks	Wild Horse Plains
Collinsfield	Mallala	Renmark	Williamstown
Corcondo	Maltee	Riverton	Willowie Township
Coulta	Mannum	Robertstown	Wilmington
Cowell	McKenzie	Rosedale	Windsor
Crystal Brook	Melton	Roseworthy	Wirrilla
Cummins	Middleton	Rudall	Wokurna
Cungena	Minnipa	Saddleworth	Woods
Cunliffe	Modbury	Salisbury	Woolshed Flat
Dry Creek Township	Mona	Seppeltsfield	Wudinna
Dublin	Moonta	Smithfield	Yacka
Edillilie	Moonta Mines	Snowtown	Yanera
Eudunda	Morgan	Stockwell	Yaninee
Ferguson	Mount Gambier	Sutherlands	Yantanabie
Flinders	Mudamuckla	Tailem Bend	
Gawler	Mundoora	Tanunda	

THE

Waterworks Act.—1932.

THE THIRD SCHEDULE.

1717, 1925, s. 6.

2077, 1932, s. 27.

The construction rate hereinafter mentioned shall be payable upon—

- (a) all land which abuts upon a street in which a reticulation main is laid and which is distant one mile or less from any portion of the boundary of the land abutting upon the portion of the street in which the main is laid :
- (b) all land which is contiguous to any land described in paragraph (a) which is occupied by the same occupier as the occupier of the said land described in paragraph (a) and which is distant one mile or less from any portion of the boundary described in paragraph (a) :
- (c) all land which does not abut upon any such street but for which a water service is laid, and which land is distant one mile or less from the main from which the water service is laid.

The construction rate shall be payable upon such land at the rates following, when the unimproved value of the land is—

Up to £2 2s. 5d.	4d. per acre.
£2 2s. 6d. and up to £2 7s. 5d.	4½d. per acre.
£2 7s. 6d. and up to £2 12s. 5d.	5d. per acre.
£2 12s. 6d. and up to £2 17s. 5d.	5½d. per acre.
£2 17s. 6d. and up to £3 2s. 5d.	6d. per acre.
£3 2s. 6d. and up to £3 7s. 5d.	6½d. per acre.
£3 7s. 6d. and upwards	7d. per acre.

Provided that the minimum construction rate payable shall be Three Shillings.

Waterworks Act.—1932.

WATERWORKS ACT, 1932.

TABLE SHOWING HOW THE SECTIONS OF THE ACTS CONSOLIDATED HAVE BEEN DEALT WITH.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Waterworks Act,		
1882 s. 1	Short title	—
Ibid. s. 2	Repealing provision	—
" s. 3	Saving provision	—
" s. 4	The reference to the Adelaide water district in the definition of water district is deleted	4
" s. 5	As amended by 1473, 1921, and 2077, 1932, s. 2	6
" s. 6	.....	5
" s. 7	.....	7
" s. 8	The operation of the provisions of the last sentence are exhausted and the sentence is therefore deleted	8
" s. 9	" Governor " is substituted for " Commissioner " in order to conform with the provisions of the Public Service Act, 1916	9
" s. 10	As amended by 1473, 1921, s. 4 ; 1843, 1927, s. 4 ; and 2077, 1932, s. 3	10
" s. 11	.....	11
" s. 12	As amended by 1895, 1929, s. 2	12
" s. 13	.....	13
" s. 14	As amended by 2077, 1932, s. 4	14
" s. 15	.....	62
" s. 16	As amended by 2077, 1932, s. 5	63
" s. 17	.....	64
" s. 18	.....	15
" s. 19	.....	16
" s. 20	.....	17
" s. 21	.....	18
" s. 22	.....	19
" s. 23	As amended by 2077, 1932, s. 6	20
" s. 24	.....	21
" s. 25	.....	22
" s. 26	.....	23
" s. 27	Operation exhausted and therefore deleted	—
" s. 28	.....	24
" s. 29	.....	25
" s. 30	.....	26
" s. 31	.....	36
" s. 32	As amended by 2077, 1932, s. 7	37
" s. 33	.....	27
" s. 34	.....	28
" s. 35	.....	29
" s. 36	.....	30
" s. 37	.....	31
" s. 38	Repealed by 2077, 1932, s. 8	—
" s. 39	The words " or premises " are inserted after " land "	32
" s. 40	.....	33
" s. 41	.....	34
" s. 42	.....	35
" s. 43	.....	38
" s. 44	.....	39
" s. 45	.....	39
" s. 46	.....	40

*Waterworks Act.—1932.**Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Waterworks Act, 1882 s. 47	As enacted by 1473, 1921, s. 5	43
Ibid. s. 48	. . . . .	44
" s. 49	. . . . .	45
" s. 50	As amended by 2077, 1932, s. 9	46
" s. 51	. . . . .	47
" s. 52	. . . . .	48
" s. 53	As amended by 2077, 1932, s. 10	49
" s. 54	As amended by 2077, 1932, s. 11	50
" s. 54A	As enacted by 1843, 1927, s. 6, and amended by 2077, 1932, s. 12	51
" s. 55	As amended by 2077, 1932, s. 13	52
" s. 56	. . . . .	53
" s. 57	. . . . .	54
" s. 58	. . . . .	55
" s. 59	. . . . .	56
" s. 60	. . . . .	56
" s. 61	. . . . .	57
" s. 62	As amended by 1473, 1921, s. 6	58
" s. 63	. . . . .	59
" s. 64	As amended by 2077, 1932, s. 14	60
" s. 65	. . . . .	61
" s. 66	As amended by 1473, 1921, s. 18	66 and 67
" s. 67	. . . . .	68
" s. 68	As enacted by 1473, 1921, s. 7	69
" s. 69	. . . . .	69
" s. 70	As enacted by 2077, 1932, s. 15	70
" s. 71	. . . . .	71
" s. 72	. . . . .	72
" s. 73	. . . . .	73
" s. 74	. . . . .	74
" s. 75	. . . . .	75
" s. 76	. . . . .	76
" s. 77	. . . . .	77
" s. 78	. . . . .	78
" s. 79	. . . . .	79
" s. 80	. . . . .	80
" s. 81	. . . . .	81
" s. 82	As amended by 1473, 1921, s. 8, and 2077, 1932, s. 16	82
" s. 82A	As enacted by 2077, 1932, s. 17	83
" s. 83	. . . . .	84
" s. 84	As enacted by 1473, 1921, s. 9	87
" s. 85	. . . . .	88
" s. 86	As amended by 2077, 1932, s. 18	89
" s. 87	. . . . .	90
" s. 88	. . . . .	91
" s. 89	As amended by 2077, 1932, s. 19	92
" s. 90	As enacted by 1473, 1921, s. 10	93
" s. 91	As enacted by 1473, 1921, s. 11	94
" s. 92	As amended by 1843, 1927, s. 7, and enacted by 2077, 1932, s. 20	95
" s. 93	. . . . .	96
" s. 94	. . . . .	97
" s. 95	As amended by 2077, 1932, s. 21. The word "by-law" is substituted for "regulation"	98

*Waterworks Act.—1932.**Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Waterworks Act,		
1882 s. 96	.....	99
Ibid. s. 97	.....	100
“ s. 98	As amended by 1473, 1921, s. 18	101
“ s. 99	.....	110
“ s. 100	Altered in conformity with the provisions of the Justices Act, 1921	111
“ s. 101	Deleted as unnecessary in view of the provisions of the Justices Act, 1921	—
“ s. 102	.....	112
“ s. 103	.....	113
“ s. 104	As amended by 2077, 1932, s. 22	114
“ s. 105	As amended by 2077, 1932, s. 23	115
“ s. 106	.....	116
“ s. 107	As amended by 2077, 1932, s. 24	117
“ s. 108	.....	118
“ s. 109	.....	106
“ s. 110	.....	107
“ s. 111	.....	108
“ s. 112	Commencement of Act	—
“ The First Schedule..	Schedule of Act repealed	—
“ The Second Schedule	Deleted as unnecessary	—
The Waterworks Act		
Amendment Act,		
1888 s. 1	Short title	—
Ibid. s. 2	As enacted by 1717, 1925, s. 3	102
“ s. 3	As enacted by 1717, 1925, s. 4, and 2077, 1932, s. 5 ..	103
“ s. 4	.....	104
“ s. 5	.....	105
“ s. 6	.....	119
“ s. 7	As amended by 2077, 1932, s. 26	109
“ s. 8	Repealing provision	—
“ The First Schedule..	As amended by 1717, 1925, s. 5	The Second Schedule
“ The Second Schedule	As amended by 1717, 1925, s. 6, and 2077, 1932, s. 27	The Third Schedule
Waterworks Act Amend-		
ment Act, 1921 .. s. 1	Short titles	—
Ibid. s. 2	Incorporation	—
“ s. 3	Amendment of 269, 1882, s. 5.	6
“ s. 4	Amendment of <i>ibid.</i> , s. 10	10
“ s. 5	Enactment of <i>ibid.</i> , s. 47	43
“ s. 6	Amendment of <i>ibid.</i> , s. 62	58
“ s. 7	Enactment of <i>ibid.</i> , s. 68	69
“ s. 8	Amendment of <i>ibid.</i> , s. 82	82
“ s. 9	Enactment of <i>ibid.</i> , s. 84	87
“ s. 10	Enactment of <i>ibid.</i> , s. 90	93
“ s. 11	Enactment of <i>ibid.</i> , s. 91	94
“ s. 12	.....	65
“ s. 13	As amended by 1843, 1927, s. 5	41
“ s. 14	As amended by 2077, 1932, s. 28	120
“ s. 15	As amended by 2077, 1932, s. 29	42
“ s. 16	.....	85
“ s. 17	.....	86
“ s. 18	Amendment of 269, 1882, ss. 66 and 98. The operation of subsections (2) and (3) are exhausted and the subsections are therefore deleted	66, 101

*Waterworks Act.—1932.**Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Waterworks Act Amend- ment Act, 1925 .. s. 1	Short titles	—
Ibid. s. 2	Commencement of Act	—
“ .. s. 3	Enactment of 446, 1888, s. 2	102
“ .. s. 4	Enactment of <i>ibid.</i> , s. 3 ; as amended by 2077, 1932, s. 25	103
“ .. s. 5	Enactment of 446, 1888, The First Schedule	The Second Schedule
“ .. s. 6	Enactment of <i>ibid.</i> , The Second Schedule	The Third Schedule
Waterworks Act, 1927 .. s. 1	Short titles	—
Ibid. s. 2	Incorporation	—
“ .. s. 3	Operation exhausted	—
“ .. s. 4	Amendment of 269, 1882, s. 10	10
“ .. s. 5	Amendment of 1473, 1921, s. 13	41
“ .. s. 6	As amended by 2077, 1932, s. 12	51
“ .. s. 7	Amendment of 269, 1882, s. 92	95
Waterworks Act Amend- ment Act, 1929 .. s. 1	Short titles	—
Ibid. s. 2	Amendment of 269, 1882, s. 12	12
Waterworks Act Amend- ment Act, 1932 .. s. 1	Short titles	—
Ibid. s. 2	Amendment of 269, 1882, s. 5	6
“ .. s. 3	Amendment of <i>ibid.</i> , s. 10	10
“ .. s. 4	Amendment of <i>ibid.</i> , s. 14	14
“ .. s. 5	Amendment of <i>ibid.</i> , s. 16	63
“ .. s. 6	Amendment of <i>ibid.</i> , s. 23	20
“ .. s. 7	Amendment of <i>ibid.</i> , s. 32	37
“ .. s. 8	Repeal of <i>ibid.</i> , s. 38	—
“ .. s. 9	Amendment of <i>ibid.</i> , s. 50	46
“ .. s. 10	Amendment of <i>ibid.</i> , s. 53	49
“ .. s. 11	Amendment of <i>ibid.</i> , s. 54	50
“ .. s. 12	Amendment of <i>ibid.</i> , s. 54A	51
“ .. s. 13	Amendment of <i>ibid.</i> , s. 55	52
“ .. s. 14	Amendment of <i>ibid.</i> , s. 64	60
“ .. s. 15	Amendment of <i>ibid.</i> , s. 70	70
“ .. s. 16	Amendment of <i>ibid.</i> , s. 82	82
“ .. s. 17	.....	83
“ .. s. 18	Amendment of <i>ibid.</i> , s. 86	89
“ .. s. 19	Amendment of <i>ibid.</i> , s. 89	92
“ .. s. 20	Amendment of <i>ibid.</i> , s. 92	95
“ .. s. 21	Amendment of <i>ibid.</i> , s. 95	98
“ .. s. 22	Amendment of <i>ibid.</i> , s. 104	114
“ .. s. 23	Amendment of <i>ibid.</i> , s. 105	115
“ .. s. 24	Amendment of <i>ibid.</i> , s. 107	117
“ .. s. 25	Amendment of 446, 1888, s. 3	103
“ .. s. 26	Amendment of <i>ibid.</i> , s. 7	109
“ .. s. 27	Amendment of <i>ibid.</i> , The Second Schedule	The Third Schedule
“ .. s. 28	Amendment of 1473, 1921, s. 14	120
“ .. s. 29	Amendment of <i>ibid.</i> , s. 15	42